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*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights
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Gray Davis
Governor

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 10,000 ACRE-FEET OF WATER TO THE ENVIRONMENTAL WATER ACCOUNT, UNDER OROVILLE-WYANDOTTE IRRIGATION DISTRICT'S PERMITS 1267 AND 2492 (APPLICATIONS 1651 AND 2778)

Notice is hereby given that on September 27, 2002

Oroville-Wyandotte Irrigation District
c/o Michael C. Glaze
P.O. Box 581
Oroville, CA 95965-0581

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725, et seq. If approved, the Oroville-Wyandotte Irrigation District (OWID) would transfer up to 10,000 acre-feet (af) of water to the Environmental Water Account (EWA). The water would be stored in Oroville Reservoir for use within the Central Valley Project (CVP) and the State Water Project (SWP) service areas and wildlife refuges. Temporary changes under Water Code section 1725 may be effective for a period up to one year.

DESCRIPTION OF THE TRANSFER:

OWID proposes to transfer up to 10,000 af of water under Permits 1267 and 2492 (Applications 1651 and 2778) to the EWA. To facilitate the transfer, OWID proposes to release an additional 10,000 af of water currently stored in Little Grass Valley Reservoir and Sly Creek Reservoir and allow it to spill from the Ponderosa Reservoir directly into Oroville Reservoir (during November and December of 2002). The water would remain in storage in Oroville Reservoir for use by EWA within the CVP and SWP service areas and wildlife refuges. Water would be delivered to these service areas via releases from Oroville Reservoir to the Feather River thence the Sacramento River thence the San Francisco Bay/Sacramento-San Joaquin Delta and redirection at the Clifton Court Forebay.

The proposed transfer would temporarily add the Oroville Dam and the Clifton Court Forebay as points of redirection for Permits 1267 and 2492. The service areas of the SWP (as shown on map attached to the petition) and CVP (as shown on map 214-208-12581 on file with Application 5626) would be temporarily added to the place of use of Permits 1267 and 2492. Municipal, industrial, salinity control, fish and wildlife enhancement, water quality control, and stockwatering would be temporarily added as purposes of use under Permits 1267 and 2492.

Application 1651 and 2778

In the absence of this transfer, the subject 10,000 af of water would remain in storage within Little Grass Valley Reservoir and Sly Creek Reservoir for future marketing to other buyers or use by OWID.

PETITIONER'S WATER RIGHTS

Permit 1267 (Application 1651) authorizes the diversion to storage of up to 109,012 af of water per annum from the South Fork Feather River between October 1 and July 1. Permit 1267 also authorizes the direct diversion from the South Fork Feather River of up to 200 cubic feet per second (cfs) between April 1 and July 1. The point of diversion to storage for Permit 1267 is located at the Little Grass Valley Dam. Points of rediversion include the South Fork Diversion Dam, Sly Creek Dam, Lost Creek Dam, Forbestown Dam, and Ponderosa Dam. The water is used for irrigation and domestic purposes within the authorized place of use as shown on map dated May 8, 1922 on file with the SWRCB, and for recreational purposes within Little Grass Valley Reservoir, Sly Creek Reservoir, Lost Creek Reservoir, and Ponderosa Reservoir.

Permit 2492 (Application 2778) authorizes the diversion to storage of up to 25,000 af of water per annum from Lost Creek between October 1 and June 1. Permit 2492 also authorizes the direct diversion from Lost Creek of up to 50 cfs between April 1 and June 1. The point of diversion for Permit 2492 is located at the Sly Creek Dam and the point of rediversion is located at the Lost Creek Dam. The water is used for irrigation and domestic purposes within the authorized place of use as shown on map dated May 8, 1922 on file with the SWRCB, and for recreational purposes within Sly Creek Reservoir, Lost Creek Reservoir, and Ponderosa Reservoir.

Operational studies prepared by PG&E for OWID show the effects on OWID's reservoirs with the proposed transfer and absent the proposed transfer (assuming normal water year conditions). These studies indicate that the transfer would result in a reduction of 8,000 af storage in Little Grass Valley Reservoir and a reduction of 2,000 af storage in Sly Creek Reservoir. OWID stated that with the proposed transfer its projected end-of-year storage in Little Grass Valley Reservoir will be 40,000 af and in Sly Creek Reservoir will be 10,000 af. OWID stated that the transfer will not impact their ability to provide its required irrigation or domestic deliveries.

OWID's petition also indicated that it had entered into an agreement with DWR intended to ensure that future refill of water transferred from storage in Little Grass Valley Reservoir and Sly Creek Reservoir does not adversely impact the SWP or CVP.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the SWRCB is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the SWRCB may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary change of water rights under the transfer. Any person may file comments concerning the petition for temporary change. The comments must address the required findings numbered 2. and 3., set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the SWRCB determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commentors should provide sufficient information to support claims of injury or affects on fish, wildlife, or other instream uses.

Comments filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on November 20, 2002**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the petitioner**, at the address listed below. Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

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Sacramento, CA 95812-2000
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c/o Michael C. Glaze
P.O. Box 581
Oroville, CA 95965-0581
FAX: (530) 533-9700

Application 1651 and 2778

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or transferee should be addressed as follows:

OWID (petitioner):	Kathryn Peterson:	(530) 534-1221x202
	FAX:	(530) 533-9700
EWA (transferee):	Gerald Johns:	(916) 651-7051
	FAX:	(916) 653-5028

Original signed by David R. Beringer for

Harry M. Schueller
Chief Deputy Director

Dated: October 10, 2002